MOTION FILED
MAR 12 1979

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1978

NO. 78-983

IDAHO ASSOCIATION OF NATUROPATHIC PHYSICIANS, INC., et. al., Petitioners

v.

UNITED STATES FOOD AND DRUG ADMINISTRATION et. al., Respondents

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MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

AND

BRIEF IN SUPPORT OF A PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT BY NORTHWEST ACADEMY OF PREVENTIVE MEDICINE APPEARING AS AMICUS CURIAE

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February, 1979

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Pursuant to Rule 42 (3) of the Rules of this Court, the Northwest Academy of Preventive Medicine respectfully moves the Court for leave to file the brief Amicus Curiae annexed hereto. While Petitioner

has granted its consent,[1] Respondents have refused to do so.

INTEREST OF AMICUS CURIAE

The interest of amicus curiae is set out in the Brief in Support of a Petition for Writ of Certiorari attached hereto with this Motion.

CONCLUSION

For the reasons stated above and in the annexed brief, Northwest Academy of Preventive Medicine requests leave to file the annexed brief amicus curiae in support of the Petition for Writ of Certiorari.

Respectfully submitted,

GEORGE WM. CODY
CODY, HATCH & BEDLE, INC. P.S.
Counsel for Northwest Academy of Preventive Medicine

February, 1979

1. Copies of the consent have been filed with the Clerk of the Court.

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THE IDAHO ASSOCIATION OF NATUROPATHIC PHYSICIANS, INC., et al, Petitioners,

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IN SUPPORT OF A PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Northwest Academy of Preventive medicine is filing this brief discussion in support of the Appellant's Petition for Writ of Certiorari as described in the above-entitled action for the purpose of urging this Court to accept such Petition. It would be the intention of

the Northwest Academy of Preventive Medicine, group described herein, to Petition this Court to appear fully in the status of Amicus Curiae for the purpose of filing briefs, presenting argument to this Court with regard to this case should the Writ of Certiorari be issued by this Court.

Northwest Academy of Preventive Medicine is a group of physicians which crosses the lines into all healing arts with executive offices in Bellevue, a suburb of Seattle, Washington. The organization has been formed for the purpose of sharing medical knowledge and for supporting all strides forward in the area of full sharing of medical ideals and for purpose of enabling all practioners of the various healing arts to progress and to maintain the sanctity

of their relative professions.

The Northwest Academy of Preventive Medicine draws its membership from primarily the Northwestern states of this Country, and has practitioners in the areas of physicians and surgeons, Osteopathic physicians, Chiropractors, Naturopaths, dentists and members of other allied healing arts. The Academy in serving its function as described, has appeared Amicus Curiae in cases before the Supreme Courts of the State of California and Washington.

Upon review of its counsel and full review of the executive committee of the Academy, it appears that the above-entitled case is one which will go a long way if addressed by the Supreme Court of these United States, towards settling some of those issues which have caused considerable conflict amongst the many states

with regard to the right of any practitioner of the healing arts to preserve the sanctity of his education, his chosen profession, and his value to the public in general as a practitioner of such healing arts. It is the feeling of the members of the Academy as a block, that on very few occasions have the strict constitutional issues which effect all practitioners of the healing arts with regard to their rights to practice their chosen profession and the rights of their patients as members of the public to rely upon the learning and skill of a practitioner of the healing arts has been addressed by the Supreme Court of the United States.

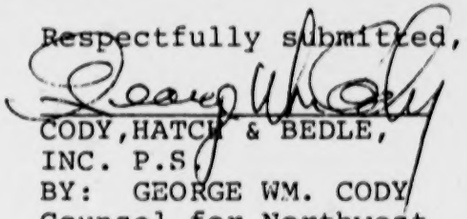
Some of these issues have been touched upon directly in those cases dealing with the issue of abortions

particularly Doe vs. Bolton"(410 U.S. 179, 93 S. Ct 739 (1972)). However, it should be noted that in all of the cases relied upon by the Fourth Circuit Court of Appeals in determining that the Petitioners in this case have raised no substantial Federal question, that none of those cases resulted in a hearing by this Supreme Court of the full issues involved in those cases or with regard to the general issues raised by the Petitioners herein in the Courts below, and as a result this would be the first occasion if this Writ is granted upon which this august court has dealt with these very substantial and primal issues within our society.

Therefore, the Northwest Academy of Preventive Medicine urges in support of the Petition for Writ of Certiorari

that this Court accept review of this particular case, and if this Court shall see fit to do so, this body would petition this Court to appear in the status of Amicus Curiae.

Respectfully submitted,



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